

OVERVIEW

The Issue

The purpose of this Joint Oversight Hearing is to investigate and discuss the causes and ramifications of the historically low voter turnout in California during the 2014 Primary and General Elections as well as how state and local government should respond.

According to the Secretary of State, only 25.17% of all registered California voters cast a ballot in the June 3, 2014 Primary Election and only 42.20% for the November 4, 2014 General Election. Participation was especially poor in Los Angeles County where turnout of registered voters was a mere 16.97% in the Primary Election and just 31.01% for the General Election. Since over 27% of all registered voters in California reside in Los Angeles County, low turnout there has an enormous statistical impact on overall statewide turnout.

Since 1960, turnout of registered voters in California non-presidential General Elections has steadily decreased from a high of 79.2% in 1966 to a previous low of 50.57% in 2002. Turnout for non-presidential Primary Elections since 1960 has also steadily decreased from a high of 68.88% in 1978 (when Proposition 13 appeared on the ballot) to a previous low of 33.31% in 2010.

On average, voter turnout was poor across the entire country in 2014. According to a study by the organization Nonprofit VOTE (included in the hearing background materials), last year fewer than 37% of all eligible voters nationwide turned out to vote, the lowest level of voter turnout seen in a non-presidential election year since World War II. However, the study also points out that California ranked a disappointing 43rd in turnout of eligible voters among the 50 states and District of Columbia at a mere 30.8%. Please note that these national figures represent *eligible voters* (all persons who are qualified to vote, whether registered or not) as opposed to actual *registered voters*, as referenced in the paragraphs above.

Possible Explanations

Theories abound as to why voter participation in California was so low for both 2014 elections. One of the more popular theories among the press and other observers is that California's statewide ballot lacked the kind of high profile, competitive contest that would motivate voters to participate in greater numbers. After all, for the November 6, 2012 General Election (a presidential election featuring incumbent President Barack Obama and challenger Mitt Romney), turnout among registered California voters was 72.36%. In fact, with the exception of the November 5, 1996 Election (65.53%), every presidential election in California since 1912 has seen turnout among registered voters over 70%. Even the "off-year" November 2, 2010 General Election which benefited

from a more competitive race for Governor between Jerry Brown and Meg Whitman saw turnout of registered voters over 59% -- more than 18% higher than 2014.

In fact, Nonprofit VOTE's study found that voter turnout averaged 11 points higher in the 22 states with competitive statewide races for U.S. Senate or Governor compared to states without a competitive statewide race. Nine of the top ten turnout states had competitive statewide races.

Other factors such as poverty and language diversity may also contribute to California's low turnout. Poverty and limited English proficiency are common within communities that suffer from poor voter participation. Consider the following:

- According to a new method for determining poverty levels developed by the United States Census Bureau, as of 2013 California has the highest percentage of its residents living in poverty in the nation. The Bureau found that over 8.8 million people, representing 23.8% of our population, are living in poverty here.
- The federal Voting Rights Act requires California to provide election materials in more languages than any other state. Los Angeles County alone is required to provide election materials in all 10 affected languages: Chinese, English, Hindi, Japanese, Khmer, Korean, Spanish, Tagalog, Thai and Vietnamese. These ten languages however represent only a few of the many languages spoken in California households. According to the Los Angeles Unified School District, 93 languages other than English are spoken in their schools alone. Furthermore, the United States Census Bureau reported in 2011 that over 15 million Californians, 43.8% of the entire state population, spoke a language other than English at home. Of those, 25% spoke English "not well" or "not at all."

Ramifications

While numerous and varied, the most obvious ramification of the low 2014 voter turnout may be that large portions of California's electorate were underrepresented in deciding the outcome of all statewide races and ballot measures. While overall turnout of registered voters in the November 4, 2014 General Election was 42.20%, according to Political Data, Inc., only 37% of registered Asian voters, 32% of registered African-American voters, and only 28% of registered Latino voters cast ballots. Conversely, 49% of registered white voters participated.

Furthermore, the low 2014 turnout also had regional ramifications. For instance, even though Los Angeles County has over one million more registered voters than the Bay Area, more votes were cast in the Bay Area than in Los Angeles County last November. Specifically, the nine Bay Area counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma combined had a total of 3,600,538 registered voters out of which 1,791,687 cast votes in the November 4, 2014

General Election. For the same election Los Angeles County had 4,897,915 registered voters but only 1,518,385 cast votes.

In a more general sense, it is often argued that full voter participation produces governments with more stability, legitimacy and a genuine mandate to govern while making it more difficult for extremist or special interest groups to win elections or to influence mainstream candidates.

Recent Legislative Action Related to Voter Turnout

The Legislature has enacted several significant bills aimed at eliminating barriers to voter participation in recent years including, but not limited to, all of the following:

- SB 29 (Correa) of 2014 provides that vote by mail ballots postmarked by election day shall be accepted by elections officials up to three days after the election.
- SB 35 (Padilla) of 2012 adds the California Health Benefit Exchange to the list of public assistance agencies required by the National Voter Registration Act of 1993 (NVRA) to provide voter registration opportunities.
- SB 113 (Jackson) of 2014 permits pre-registration of 16 year-olds upon the completion of a new statewide voter registration database.
- SB 397 (Yee) of 2011 provided for online voter registration which began in 2012.
- SB 589 (Hill) of 2013 lets voters find out from elections officials if their vote by mail ballot was rejected and why.
- AB 1343 (Fong) of 2011 requires a voter's name to be deleted from the permanent vote by mail voter list if he/she fails to return a vote-by-mail ballot for four consecutive statewide general elections, instead of two consecutive statewide general elections.
- AB 1436 (Feuer) of 2012 permits an eligible person to register to vote and vote at the office of the county elections official at any time, including on Election Day, as specified. Contingent upon the completion of a new statewide voter registration database.
- AB 2080 (Gordon) of 2012 deleted the requirement that a voter be ill or disabled to have a specified designee return their vote by mail ballot for them.

Additional Attachments

Attached you will find additional documents related to the subject of this hearing including California voter registration and participation data from the Secretary of State as well as selected studies and press articles related to low voter turnout.